President: What is the period within which the Committee is to report?

Mr. G. Narayana Aiyar: Three months.

THE HINDU INHERITANCE (REMOVAL OF DISABILITIES) BILL.

Mr. G. Narayana Aiyar: I beg for leave to introduce the Travancore Hindu Inheritance (Removal of Disabilities) Bill.

Mr. Nedumangad R. Kesavan Nair: I second the motion. The motion was carried.

Leave to introduce the Bill was granted.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Enquiry into the conduct of the Reserve Police stationed at Ramamangalam.

Mr. N. V. Chacko: Sir, I beg to move the following resolution:

This Council recommends to the Government to make an enquiry into the conduct of the Reserve Police stationed at Ramamangalam in the Muvattupuzha taluk with special reference to their alleged assults on subjects of His Highness the Maharaja of Travancore whom the Reserve Police casually met with on the public roads and in the shops and houses nearby while they were riding in their motor vehicle through the Aikkaranad and Chemmanad pakuthies of the Kunnatnad taluk in the after-noon of the 3rd of Kumbhom 1112.

Sir, the incident took place on the 3rd of Kumbhom 1112. Six months have now elapsed. Not only the people of Travancore but the people of Cochin also have taken up the matter. The Press in both the States have taken up this question. Public meetings were held to protest against this. In one form or other the question was raised in the last Legislature and in this Council as well.

(Mr. M. Govindan, one of the Panel of Chairmen proceeded through the centre gangway to the Presidential Chair.)

President: The honourable member will take care not to come between the speaker and myself.

(Mr. M. Govindan took the Chair.)

Mr. N. V. Chacko: If the Police want to assault people in this manner they can assault the people not only of North Travancore but also of Central and South Travancore. They can assault not only agriculturists but those engaged in commerce and other professions also.

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I want to remove one misunderstanding. When we speak of excesses it is generally thought that the Police have a right to use some force, only they should not exceed that force. What I say is that they can use force only if there was some riot or rebellion. In this instance there was no such thing.

(At this stage Mr. N. Abdur Rahiman Sahib addresed a question to the speaker and the speaker also replied to the same. These were not heard.)

There is no case that the Police assaulted the people who were smugglers or who assisted the smugglers. There was no charge or even suspicion against the people who were assulted. The Police had no knowledge about the identity of these people. What actually took place was that on a fine Sunday afternoon, the Police, for pleasure and diversion, crossed the Muvattupuzha river in a lorry and went over some 6 miles into the Cochin territory and returned by another route. The karas of Poothukka and Pariyaram and other karas are country parts. What the Police did was to pass through these places, stop at some spots and when people gathered round their motor van out of curiosity they assulted them. The people were never asked whether they were smugglers or not.

Mr. Kochikal P. Balakrishnan Tampi: May I know from the member whether the people who are alleged to have been assulted were not free to exercise the right of private defence against the Police?

Mr. N. V. Chacko: Most certainly they were free. But owing—certainly not due to cowardice—to their deep-seated loyalty and faith in the Government, and seeing that the Police were the custodians of peace, they wanted to have recourse to more peaceful methods.

Mr. K. R. Elankath: May I know whether the member is sure that only the subjects of His Highness the Maharaja were assulted and nobody else?

Mr. N. V. Chacko: Other people might have been assaulted. I have not included all others who were assaulted. In fact, buffaloes and sheep were assulted, butchered and eaten. I did not care to include them. I know that Cochinites were also assaulted. If they were also included, then the question might have assumed an international aspect.

Mr. K. R. Elankath: Is not everybody who enters Travancore territory entitled to protection?

Mr. N. V. Chacko: Certainly. If we do not get even our grievances remedied, what is the use of talking about the grievances of others.

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Mr. T. Mahomed Ismail: May I know whether they made any complaints to our Government?

Mr. N. V. Chacko: I do not know whether they made any complaint. It is expecting too much of me to speak all about other people. Mr. Balakrishnan Tampi put to me in the form of a question, if people had recourse to the right of private defence. If these incidents are continued to be repeated over and over again, then we would have lost faith in the Government.

Mr. R. V. Thomas: Have they lost faith in the Police force?

Mr. N. V. Chacko: They have lost faith in the Police force.

Mr. T. Mahomed Ismail: Is smuggling going on even now?

Mr. N. V. Chacko: Smuggling and all sorts of crimes may be going on at all times in all places. What I say is that even if they were smugglers the Police had no business to assault them. Can the Police go and assault them even if there were suspicion against them? When Government property is stolen and sold in the shops in Trivandrum, are the Police going and assaulting all the inhabitants of Trivandrum? The Reserve Police have no right to assault and disable people.

Sir, I want to remove one misunderstanding. I want to assure honourable members that there is no communal question relating to this.

Mr. R. Pitchu Aiyangar: Does the honourable member know the nature of the charges against the Police?

Mr. N. V. Chacko: I will be mentioning them. I have got several printed papers in English and Malayalam. The Commissioner may have more of them. I came here as a Council member and I am not expected to bring all the papers. Sir, everybody, irrespective of caste and creed was assaulted. No complaint was ever made at any time that the assault was made on persons who belonged to a community by the Police because they belonged to a different community. I do not know if anybody in the company of the Police had a grudge against the people of the place.

Mr. Padiyara Josephkunju: ഏതെല്ലാം സമുദായത്തിൽ പ്പെട്ടവർ അടികൊണ്ടിട്ടുണ്ട് എന്നുള്ള വിവരം മെമ്പർ അന്വേഷിച്ചിട്ടുണ്ടോ?

Mr. N. V. Chacko: ആളുകൾക്ക് അടികൊണ്ടു എന്നുള്ളതല്ലാതെ അവർ ഏതെല്ലാം സമുദായത്തിൽപ്പെട്ടവരാണെന്നുള്ളതിനെപ്പറ്റി ഞാൻ അന്വേഷിച്ചിട്ടില്ല.

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There are many communities. I must learn the number and kind of communities in the world before answering that question.

It might probably be said with better justification that those assaulted were assaulted because the assailants belonged to a particular community. But the complainants never raised that cry. You will find that in several of the public meetings held against this assault, respectable persons belonging to defferent communities presided. For instance, one Mr. Padmanabhan Narayanan Nambooripad was the president of a meeting. My honourable friend Mr. Thuppan Namputiripad did admit yesterday that this gentleman is a respectable person. Another meeting was presided over by Mr. Krishna Varier.

Mr. Kochikal P. Balakrishnan Tampi: Is the honourable member telling us the names of the prosecution witnesses?

Mr. N. V. Chacko: I am mentioning here the names of persons who presided over meetings held to protest against the assault. The meeting over which Mr. Narayanan Nambooripad presided was held on the 6th of Kumbhom while the assault was made on the 3rd Kumbhom. The meeting over which Mr. Krishna Varier presided was on the 5th of Kumbhom. Another meeting was held on the 7th of Kumbhom presided over by Mr. Govinda Kurup.

A statement has been issued against the conduct of the Police and the way of the Police Commissioner over the signatures of 18 respectable gentlemen of the place.

Mr. R. Pichu Aiyangar: Is the member aware of the many anti-meetings that took place in the locality?

Mr. N. V. Chacko: It is true, there were certain so called anti-meetings presided over by two or three persons in clerical robes who were mere tools in the hands of the Police and got up at their instance. There is no question of communal problem in that place. There may be a preponderance of the Christian community there. It is just like the preponderance of other communities in certain parts of Travancore. Such things occur by chance. It may be that a larger number of the Christians were assaulted by the Police. I shall bring to the notice of the House details of several protest meetings held on the 5th, 6th and 7th of Kumbhom presided over by very respectable gentlemen, including many Namboories, Kurups and Variers. Complaints were sent to the Dewan and to the Police Commissioner. On receipt of this he came to Muvattupuzha on the 5th of Kumbhom. Facts were presented to him in detail about the various acts of cruelty and violence done by the Reserve Police

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[Mr. N. V. Chacko.]

at Ramamangalam and thereabouts. I shall just read portions from a statement issued under the signatures of 18 gentlemen, 17 of whom are Vakils of Muvattupuzha. Among these signatures there are Brahmins and Nayars. One signatory is Mr. K. M. Kuriakose- an Ex. M. L. A.

"On the following day *i. e.*, on the 6th the Commissioner visited Ramamanglam and after seeing for himself the desserted appearance of the place came to Thiruvaniyur at about 5 P. M. to meet the aggrieved persons. At Thiruvaniyur about 70 persons who sustained injuries and indiginities at the hands of the Police presented statements in writing in person to the Commissioner. Thereafter he recorded the statements of some 20 aggrieved persons in his own diary and noted all marks of injury shown to him. He seemed to be impressed with the truth of the statements and depositions of the injured persons and expressed himself in very sympathetic terms. He listened to the allegations with patience and courtesy".—

Mr. R. Pitchu Aiyangar: Was that expression 'courtesy' used by me?

Mr. N. V. Chacko: No. By using that expression it is not meant to give any offence to anybody. It is only a complement to the Commissioner. Then the statement reads thus:

"Then the president of the protest meeting held at Thiruvaniyur the same day at 4 P. M. Brahmasri Padmanabhan Narayanan Nampudiri of Thurithikal Mana informed him of the meeting and presented the copy of the resolution passed therien. He also informed the Commissioner that a telegram had already been sent to His Highness the Maharaja about the events at Thiruvaniyur and the latter made a note of this also in his diary. He looked into the resolutions of the meeting and seemed impressed, As he was about to leave, Mr. M. C. Varki informed him that a person who had been victimised by the Police was lying in the Salvation Army Hospital at Varikkoli and that his condition was serious. He said that he would go there and record his statement too. Before leaving, he expressed his regret to the people assembled for the misdeeds of his men in the following words.—I am fully convinced that my men have committed excesses. I regret that all this has happened. I will punish the delinquents severely and I assure you that no more troubles will come to you.—We are quoting from memory. Mr. Iyengar then left for Varikkoli and the people dispersed in the hope that the Commissioner will do everything to meet out justice"

Now I will read certain portions from a statement made by Mr. Narayanan Namboori.

Mr. Kottur Kunjukrishna Pillai: Is the member in order in referring to a paper to which other members have no access?

Mr. N. V. Chacko: If anybody has any objections to it, I will not read from that statement.

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Chairman : If the member is not referring to a paper that is not available to other members, then the question does not arise.

Mr. N. V. Chacko : All that I want to say is that I have got here a statement made to me and to some other members of the Legislature by Mr. Narayanan Namboori and signed by him. I do not say anything further. I myself took down the statement and Namboori himself read it through and then signed it ?

Mr. Padiyara Joseph Kunju : അടി കിട്ടിയിട്ടില്ലാത്ത ഏതെങ്കിലും സമുദായത്തിൽനിന്ന് വല്ല പരാതിയുമുണ്ടായിട്ടുണ്ടോ?

Mr. N. V. Chacko : All that I want to say is I am personally informed of the atrocities done by the Police. I have direct evidence to show that the Police committed excesses in that part of the country.

The Commissioner might say that he is not convinced of these things and all that.

Mr. T. Mahomed Ismail : Why not the aggrieved go to a court of law to get redress ?

Mr. N. V. Chacko : That is a very difficult way. It is very difficult for poor people to go to a court of law to seek redress, and their right to ventilate their grievances publicly would have been lost. If there be an increase in the excise revenue now that does not mean that it is the result of the assaults done by the Police. The excise people, I think, had no sufficient opportunities during this disturbed period to receive bribes. If the people were attacked by Huns or Barbarians from outside, they could console themselves that they had their Government to help them. Cobra-bites, lightning strokes etc., are not matters for complaints to the Government. But the attacks by the Reserve Police and their repetitions are matters of deep-seated grievance to the people of the locality. The Police, especially the Reserve Police are for maintaining and preserving order and peace and not for deliberately breaking peace and creating disturbance.

Chairman : Time is up. I shall allow you a minute more.

Mr. N. V. Chacko : Thank you, Sir. There is also another point. The places where the incidents happened are near Cochin, and there is Vadavakodu belonging to Cochin within Aikkaranad. Our neighbours in the Cochin State are witnessing the brutal assaults by the Travancore Reserve Police on the people of Travancore without any cause ; and they are smiling a smile of scorn on us. The time granted to me is over and I pray that an enquiry be made into this question and the grievances of the people redressed.

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Mr. K. K. Kuruvilla: Sir, I rise to support the resolution. I know that the feelings of the people in those parts are very much affected. I have heard complaints from friends, whom I can believe, that the police exceeded their powers in dealing with the men of that locality. The feeling in that part of the country is so intense that I think an enquiry is very essential and it should be considered by Government. It was raised by one member, why not the aggrieved seek remedy through court of law. I say it is difficult for poor people to take to that course.

Mr. T. Mahomed Ismail: Is there any evidence?

Mr. K. K. Kuruvilla: It is difficult to give evidence on that point. From what I have heard several innocent men have suffered, and they have unjustly suffered. There are many people who cannot seek remedy through a court of law. The Government should come to their rescue. Very careful, intelligent and thoughtful people have been harassed by the Police and there is a real grievance in the matter. I think the Government should institute an enquiry on the matter. I therefore support the resolution.

Mr. Kochikal P. Balakrishnan Tampi: Sir, I oppose the resolution, although I am in sympathy with the spirit of it. There must have been something really very terrible in those places. Otherwise, it would not have excited the warmth and eloquence of my honourable friend Mr. Chacko. But I am afraid, no useful purpose can be served at this juncture by an enquiry of the sort proposed by my friend. Yesterday, the Commissioner of Police was saying that he looked into the matter, but there was difficulty even in the matter of identification of the alleged offenders. In opposing this resolution I should not be misunderstood. I do not say that the allegations of this sort about the Police must not be enquired into. It is often too true that the Police commit excesses in their over-zeal. There were complaints, in fact, although not of the blood curdling variety as detailed by my friend Mr. Chacko when they were deputed to do some sort of demonstration work at Alleppey after the riots. It is highly essential that the Police should be directed to do their work and to do the work legislatively nothing more than that. A change of outlook has to come on the Police force. Unfortunately, Sir, we took our ideals regarding the behaviour of the Policemen from the other side of the Ghats. Till half a dozen years ago it was found very fashionable and even meritorious to kick their future ministers and heads of departments.

At that time the Police in British India as well as in Indian India took themselves very great credit in discarding public opinion. The man who flouted public opinion was considered to be a plucky man who has done some glorious work. Often I have seen the promotion in the Police Department in inward ratio to the respect a

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Police Officer showed to the public. But with the changed outlook that has come to our people, the policeman should be considered as a valuable limb of the Government in preserving law and order in the country. But by pointing the foibles of the Police I do not wish to be understood to be saying that the non-official colleagues of this House and the public outside should be blind to their duties by the Department and by the Government in preserving law and order. A situation has been described to the House when the Government of Travancore is wasting lakhs of rupees through the activities of a gang of smugglers. I trust and hope that enlightened leaders of public opinion-as my friend Mr. Chacko will certainly educate the people of the frontier-to co-operate and help the policeman and also the exciseman in the discharge of official duties. I need hardly use that word-it is admitted on all sides that a large quantity of tobacco is brought into our country without paying duty and that Government is losing lakhs of rupees. Not only the Government, but also those honest people who are engaged in the trade are losing through the activities of this law-breaking gang. Is it possible for every member of the force to take a visiting card with him, leave it at the door of the smuggler, introduced himself and ultimately to point out the ethical implications of such a conduct, and recommend some philosophy of conduct? It is already admitted on all hands that a certain amount of rough handling, or rashness—I may be still milder-a certain amount of crudeness, or better still, stiffness would be required in the discharge of the duties of the policeman and the exciseman when they are asked to stop the nefarious activities of a law-breaking gang. Therefore I appeal to the honourable members of the House and thorugh them to the public in Travancore that unless they whole-heartedly co-operate with the Government in the matter of suppressing law-breakers, certainly there would be nothing to wonder if there be a recurrence of such incident which we should, at all events, prevent. I do not, for a moment, question the *bona fides* or the respectability of the Ezhuttoor Nambooris and all those respectable persons of the frontier. I hope Mr. Chacko will persuade those respectabilities of the frontier to think that their duty does not end with presiding over meetings but with also co-operating with the Government in maintaining law and order and prevent the law-breakers from continuning their nefarious activities.

Mr. T. Mahomed Ismail: In opposing the resolution I must say that we have heard the Police Commissioner in answer to stringent questions from the honourable members that he has made all possible enquiries humanly possible and that there is much of exaggeration about the reports published.

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Mr. Kottur Kunjukrishna Pillai: May I know from the member who was the Inspector in charge of the Reserve forces that was sent to the frontier?

Mr. T. Mahomed Ismail. It is not my business to know it. If the member wants the information he may refer it to the Police Commissioner. When we hear that lakhs of rupees are being wasted in the frontier and when it is brought to our mind that the Excise Department is not able to subjugate those frontier tribes—

Mr. R. V. Thomas: May I know from the member whom he means by 'the frontier tribes'? (*Laughter*).

Mr. T. Mahomed Ismail: I mean the smugglers.

The Police force had to be sent to help the Excise and it is reported that our income is increasing and that there is less of smuggling. Whatever be the amount of money that we spend, it is our duty to see that these law breakers sould be subjugated at all costs. It would be possible and quite reasonable to think that when the Police force reached there, these smugglers must have thought that it would be profitable to terrify the reserve Police also as they had done to the Excise force hoping to continue their smuggling operations. Naturally, in this case, the Reserve Police must have gone a little beyond their legitimate limit. I am not for a moment supporting the excess of the Police if they have done it. Under such circumstances it is quite possible that some slight mishappenings might have taken place and if there is truth enough, it is the duty of the Department to punish the offenders. But in view of the explanation of the Police Commissioner it is clear that no such serious incident was brought to the notice of the Department. We often hear of murderers escaping because there is no evidence. If there is no evidence I do not know how the Department would find out the real culprit. If my honourable friend Mr. Chacko is not satisfied with the clear explanation given by the Police Commissioner, I ask him whether he could not influence at least some of those people to go to a court of law to establish their rights. If he is not satisfied with the enquiries already made, I think the conduct of another enquiry will be rather useless. Therefore I think there is absolutely no necessity for another enquiry in the matter.

Mr. Kottur Kunjukrishna Pillai: Sir, I wish to offer a few words on this resolution. When honourable members like Mr. Chacko, brings forward a resolution like this and says that assaults have been made wantonly by the Police under certain circumstances on people who were peaceful and law-abiding, that is a matter that requires consideration by the House. It is not right, according to me, to be influenced by personal considerations and by he fact of certain adventitious circumstances to deviate from the path of rectitude and condone any action that may have been taken

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by the Police. I am not for a moment for doing that. When honourable members like Mr. Chacko comes forward and says that there has been some misbehaviour on the part of the Police force that went there and when friends like Mr. Kuruvilla after having made some enquiry says that he believes that some wanton action has been taken by the Police, I think it is not fair to disbelieve them. All the same, it has to be pointed out that the Department or any other authority will not be able to take serious or definite action with regard to the culprits unless people come forward to give evidence, not necessary evidence as given in courts of law, but evidence to morally convince the Police Commissioner or any other authority that makes the enquiry that such and such a person or persons has done such an act. If the people of the locality are not able to give evidence of a kind that will bring home a moral conviction regarding certain persons, no action can be taken. If we say and if we insist upon that, it does not mean that we should callously say that nothing has taken place and so we should callously disregard the feelings of the frontier people. Every citizen has the right to go out without being molested. That is a sacred privilege of every citizen. It is the privilege of any part of the country whether there are smugglers or not. While respecting the sentiments and feelings expressed by my friends Mr. Chacko and Mr. Kuruvilla who have made some sort of enquiry into it, it cannot but be admitted that it is impossible to take action under the present circumstances because nobody is coming forward to give an account of information with which it will be possible for the authorities to take action and give punishment to the offenders. I am against the Police authorities taking action on their subordinates on a mere allegation or to satisfy a feeling of discontent in any particular locality. That cannot be resorted to. Innocent persons should not be punished because in a particular locality there may be a feeling however genuine and however great that may be. The difficulty with regard to the detection of smugglers in the locality also seems to be the same. There is no one to come forward and give evidence. There is not evidently the civic sense in the people. Is it not up to us to hand over a party of smugglers or individual smugglers if and when they come to our knowledge. That is a deplorable state of affairs. It may be that the people living there may not be actually taking part in smuggling.

Chairman: The House will now adjourn and meet again at 2 P. M.

The Council adjourned for lunch at 1 P. M. and re-assembled at 2 P. M. with Mr. M. Govindan, one of the panel of Chairman, in the Chair.

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Mr. Kottur Kunjukrishna Pillai: Sir, therefore while sympathising with the object of this Resolution I cannot accept the proposals made therein, *viz.*, to ask the Council to recommend to make an enquiry into the conduct of the Reserve Police. The Commissioner has already said that as soon as he got the information he went to the spot and made enquiries and no evidence whatsoever came forth and so nothing by way of spotting the culprit could be done. But he assured the public of that locality that such incidents will not happen again. I am very glad to find that the Commissioner has said as often as the question was raised here, as elsewhere, that he did not deny that some such incident took place nor did he try to justify the alleged offence but he merely said that no proof of any kind was forthcoming and this made it rather difficult in dealing with the delinquents. Sir, that is a remarkable situation. But I do not understand the meaning of the resolution which merely asks Government to make an enquiry. From the wording of the resolution I find that it is a Governmental enquiry that is asked for. I think that no useful purpose could be served by an enquiry of that kind, because already an enquiry was made as soon as the occurence took place, but on account of the absence of anybody coming forward to give at least the necessary evidence to fix up the guilt nothing could be done. I think at this time, after the lapse of so many months, it will be absolutely impossible to collect any evidence which will lead us to the truth of the facts and will enable us to take any action. I am against a show of sympathy merely to punish the innocent. I am not saying this in a technical sense at all. But at the same time I must say that the Commissioner and Government should realise and sympathise with the feeling behind this resolution and should take all precautionary measures to see that such incidents do not take place in future. I cannot remember a single occasion in which the Police Commissioner tried to defend any real offender in the Police force as my honourable friend Mr. Ismail was at pains to do on this occasion. He is always sympathetic towards people who have real grievances and he never disregards *bonafide* allegations by the people of any locality against a Police officer. It is very deplorable to find a mentality that does not respect such feelings. But we must also respect the feelings of the officer with respect to his conscience in punishing an innocent man. I understand from those who complained to me about the occurence. The very people of the locality whom I asked why one or two respectable people among them did not give the names of the delinquents to the Commissioner of Police. They could have told him in confidence about this occurence and he would have taken whatever action was possible for

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him to take. They said they were afraid of the officials. If it is a non-official committee which is to enquire into the matter they say they would probably give evidence. I don't know whether things can be improved by setting up a non-official committee. But I know that there are sufficient number of respectable men who know law and the civic rights in those areas and these men should have come forward and pointed out the culprits if they had any civic sense even to the Commissioner. I think Government will respect the feeling behind this resolution and see that necessary precautions are taken that no such incidents take place in the future. As it is, I don't think that a non-official enquiry, or any enquiry for that matter, will be of any use except to waste public money. Therefore I oppose the resolution.

Mr. N. Abdur Rahiman Sahib: Sir, I wish to add a few words in support of the resolution. Law and order there must be ; and the Police Department's primary concern is to maintain the peace of the land. They must do every thing to see that peace is restored in the land and the safety of life and property is assured. But in their attempt to maintain peace and restore normal conditions in times of panic, they overdo things. They should not indulge, on those occasions, in depredations and atrocities of such a character as to give rise to complaints of this nature. Sir, it is admitted that there is smuggling in the frontier area. But this smuggling has been going on for the last so many years and never before has there been such an occasion for the Police to come to the rescue of the Excise officers and commit such atrocious deeds as were referred to by my honourable friend Mr. Chacko. Sir, he said that the peace loving and law abiding citizens were unnecessarily molested and were severely thrashed and thus made their life uncomfortable. If an extraodinary situation has arisen, and if there has been any trouble going on in that locality it is the primary duty of the Police to see that such situations are carefully and tactfully handled without giving rise to terror in the minds of the people at large. I am the last man to say that the smugglers should be left scot-free and no attempts should be made to bring them to book. But in the attempts made in that direction the Police could not take the law into their own hands and bring about this disastrous state of affairs. A question was put by the leader of the Progressive Party whether the Reserve Inspector of Police was at the spot then. Well, Sir, my information is that the Reserve Inspector was not at the spot and he was away on duty in Trivandrum. The atrocities were committed by the Reserve constables.

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Mr. Kottur Kunjukrishna Pillai: Who was the Reserve Inspector of police?

Mr. N. Abdur Rahiman Sahib: Sir, I have not yielded. Sir, one can sympathise with the attempts of Government as well as the department in detecting smugglers but they must see no room for complaints of this kind are given. Elsewhere, this complaint was brought to the notice of the Government in the form of an adjournment motion and the very fact that a resolution of an identical nature is tabled on the floor of this House shows the magnitude of the gravity of this matter. There is no gainsaying that there is strong feeling in the northern parts of the country in regard to this matter and they are not satisfied with the so-called enquiry conducted by the department. Noboby has explained in this House whether any dispassionate enquiry was made into this occurrence. If a proper and saisfactory enquiry was made into this matter and if the Police Department was able to collect evidence and statements to find out the culprits concerned in this case, certainly, there would have been no necessity for a resolution of this kind. The very fact that a period of five months have elapsed without finding out those who were really responsible for the offence, makes the need for a through enquiry more imperative. What we expected was that the department, or rather the head of the department, would look into the matter and spot out those who were responsible for the misbehaviour.

Mr. T. Mahomed Ismail: Does the resolution not contain a request to Government that a non-official enquiry should be conducted?

Mr. N. Abdur Rahiman Sahib: Yes. Every resolution is in the form of a request to Government. If the Commissioner had conducted a satisfactory enquiry into the matter, this resolution would not have been tabled in this House. With these words I support the resolution.

Mr. P. I. Simon: Sir, I support the resolution. Not one of those who opposed the resolution ever denied that the Police committed excesses at Ramamangalam. It is almost admitted that the Police and the Excise were involved in the excesses committed. But my friends Mr. Thampi and Mr. Kottur said that enquiry is not necessary because no useful purpose would be served by that and because there was an enquiry already conducted by the Police Commissioner. The enquiry conducted by the Commissioner, according to Mr. Kottur has revealed one fact, that is, no one came forward to give evidence regarding the excesses committed. I should think that it is only natural in view of the fact that one of the Police officers who had a large share in the assault is still retained in the locality. The local Inspector, in collaboration with

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the Reserve Inspector sent from Trivandrum, is mostly responsible for these excesses committed on the poor people. If the local Inspector is there still, I am at a loss to understand how anybody would come forward to give evidence against the Police. Sir, how can the Commissioner seek to do justice with the help and co-operation of the real delinquents in the matter, (*Hear, hear*), It should have been made possible for all to come forward fearlessly and give evidence. The Commissioner of Police, as we all know, is jealously guarding his Department. He is very careful about the safety of his subordinates. If any particular officer is alleged to have committed excesses, the Commissioner at once shelters him under the plea of strength in the execution of Police functions.

Therefore, my view is that the investigation that has been conducted already has not served its purpose and another investigation or enquiry by a tribunal constituted by both officials and non-officials is, under the exigencies of the circumstances, imperatively necessary. However, Sir, not one voice was heard denying the alleged occurrences. Everyone seems to be agreed that something has taken place. That seems to be the general feeling. That being so, there is no use in the mere expression of sympathy by the honourable members Mr. Tampi and Mr. Kunjukrishna Pillai. We want something more substantial than a mere expression of sympathy. We want an impartial enquiry, but not by the Head of the Department which stands wholly condemned.

Sir, Mr. Ismail opposed the resolution on another ground. He said that the action of the Police was, in view of the smuggling that is going on there, justifiable. Sir, it is wrong and erroneous to confuse the smuggling and the excesses committed by the Police Sir, smuggling has nothing to do with the excesses by the Police. Sir, it was not the smugglers that were assaulted by the Police. It would be a confusion of ideas, to put these two things together. I am sure the Commissioner of Police himself will not be able to escape from this erroneous association of ideas. He will not be able to take an impartial view in the matter.

Mr. Ismail was interrupted by Mr. Kunjukrishna Pillai with a very inconvenient question. But Mr. Ismail did not answer it. He gave only a very evasive answer. I am sure my honourable friend knows who that Police Inspector was. He could have given a straight forward reply. He could have very well stated that the Inspector concerned was a Muslim.

Mr. T. Mahomed Ismail : But that Muslim was at that time in Trivandrum.

(Mr. Anirudhan stood up along with Mr. Simon, and there were cries of 'Order, order,' from among the members.)

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Mr. M. S. Anirudhan : Is is open to members to call other members to order?

Chairman : I do not think the member seriously wants a ruling on the point. Anyhow, I may say that it is better to leave it to the Chair to call members to order.

Mr. P. I. Simon : Sir, we have not forgotten how the Muslims of Manakad were characterised the other day ; and I may assure my friend Mr. Ismail that, if he had, in a straightforward manner, stated that the Inspector concerned was a Muslim, we would not immediately rush to say that the misdeeds of the Police were due to the fact that a Muslim was sent there. I should think that, Mr. Ismail could have straightaway answered that the Inspector was a Muslim.

There was also an unwarranted observation by Mr. Ismail. He characterised the respectable citizens of the frontier as frontier *tribes*. (*Shame.*) Sir, the Christians there do not belong to any aboriginal tribes. I am prepared to take it that Mr. Ismail did not really mean it, and that that expression inadvertently came out But, even after Mr. R. V. Thomas corrected him he persisted in saying that he was going to call the citizens of the frontier only as frontier tribes. I take exception to what Mr. Ismail said disparaging and belittling the respectable inhabitants of the frontier.

In conclusion, I would, for the acceptance of the House, recommend that a committee composed of officials and non-officials be appointed to enquire into the matter.

Mr. T. K. Kittan (*Vaikam, Kottayam and Changanachery* cum *Peermade.*): സർ, ബഹുമാനപ്പെട്ട മെമ്പർ മി: എൻ. ചി. ചാക്കൊ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള പ്രമേയത്തെ ഞാൻ അനുകൂലിക്കുന്നു. വടക്കൻ അതിർത്തിപ്രദേശങ്ങളിൽ കള്ളവുനടക്കുന്ന എന്നുള്ളതു പച്ച പരമാർത്ഥം. അതിനെ തടയേണ്ടതു് അത്യാവശ്യവുമാണ്. ഇവിടെയുള്ള പോലീസും എക്സൈയും പട്ടാളവും വിചാരിച്ചാൽ അതിനെ തടയാൻ സാധിക്കുന്നില്ലെങ്കിൽ ഈ രാജ്യത്തു് അധിവസിക്കുന്ന ഒരു ലക്ഷം ജനങ്ങളുംകൂടി ശ്രമിച്ചെങ്കിലും ആ കള്ളവിനെ തടയേണ്ടതു അത്യാവശ്യമാണ്. പക്ഷെ കള്ളു കണ്ടുപിടിക്കാൻ ശ്രമിക്കുമ്പോൾ നിർദ്ദോഷികളായ സാധുക്കൾക്കു ഉപദ്രവം നേരിടാതിരിക്കുവാൻ പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണ്. അവിടെയാണ് ഞങ്ങളുടെ സങ്കടംകിടക്കുന്നതു്. ഒരു വലിയ ലോറിനിറച്ചു റിസ്സവ് പോലീസ്കാരെ അയച്ചു എന്നാണു ഞാൻ കേട്ടതു്. ആ ലോറിഇരിമ്പുകമ്പി വച്ചകൊണ്ടു അടച്ചുമൂടിയിരിക്കുകയാണ് അതിനെ ഒന്നു തുറന്നുവി

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ട്ടാൽ ഇവർ കാട്ടിക്കൂട്ടുന്ന അക്രമങ്ങൾ ചില്ലറയൊന്നുമല്ല. അവരുടെ പ്രവൃത്തികളെപ്പറ്റി കേൾപ്പോരും കേൾവിയുമില്ലാത്തതുകൊണ്ടാണ് അവർ ഇങ്ങനെയെല്ലാം ചെയ്യുന്നതു. അതിനെപ്പറ്റി ചോദിക്കാൻ ആളുണ്ടായിരുന്നുവെങ്കിൽ ഈമാതിരിയുള്ള അക്രമങ്ങൾ പ്രവർത്തിക്കുന്നതിൽ അവക്ക് ഒട്ടൊരു ശങ്ക ഉണ്ടാകുമായിരുന്നു. ആ സ്ഥലം ഒരു ഓണം കോമൂലയാണ്. അവിടെ എന്തു അക്രമംവേണമെങ്കിലും കാട്ടിക്കൂട്ടാം. അവക്ക് അതൊരുകളിതന്നെ. അതുകൊണ്ട് പരമാർത്ഥത്തിൽ അവിടെയുള്ള സാധുക്കൾ ഈ പോലീസുകാരിൽനിന്നും വളരെ സങ്കടം അനുഭവിച്ചിട്ടുണ്ട്. അതിനാൽ അതിനെപ്പറ്റി വേണ്ട അന്വേഷണംനടത്തി ഒരു തീരുമാനം ചെയ്തിരുന്നുവെങ്കിൽ ജനങ്ങൾക്ക് വളരെ സന്തോഷമുണ്ടാകുമായിരുന്നു. കേസുകൊടുക്കരുതോഎന്നു ചോദിക്കുമായിരിക്കും. കേസുകൊടുത്താൽ പിന്നെയും തല്ലുകൊള്ളുകയാണുവേണ്ടതു്. കേസുകൊണ്ട് യാതൊരു ഗുണവുമുണ്ടാകുകയില്ല. ലോകാവസാനംവരെ അതിനുവേണ്ടി പരിശ്രമിച്ചാലും തെളിയിക്കാൻ സാധിക്കുകയില്ല. വലിയവലിയ സമർത്ഥന്മാരൊക്കെ ഇത്തരം സംഗതികളിൽ പരിശ്രമിച്ചുനോക്കിയിട്ട് ഫലമുണ്ടായിട്ടില്ല. ഗവണ്മെൻറിന് പ്രത്യേകം താൽപ്പര്യമുള്ള ഒരു സംഗതിയാണ്അതു്. അതുകൊണ്ട് കള്ളം തടയേണ്ടതുതന്നെ. അതിലേക്കാണ് ഇങ്ങനെ ഒക്കെ ഇവർ ചെയ്യേണ്ടിവന്നതു്. പക്ഷെ ഇതു കുറെ കടന്ന കൈയായിപ്പോയിഎന്നേയുള്ളൂ. മേലാലെങ്കിലും ഇങ്ങനെയുള്ള അക്രമങ്ങൾസംഭവിക്കാതിരിക്കുന്നതിനു ശ്രദ്ധിക്കേണ്ടതാണ്.

അനുഭവജ്ഞാനം നാട്ടുരാജ്യങ്ങളും ബ്രിട്ടീഷ്ഗവണ്മെൻറുവക മറുരാജ്യങ്ങളും ഈ ഇൻഡ്യാസാമ്രാജ്യത്തിലുണ്ട് അവിടെയെല്ലാം പോലീസു സൈന്യങ്ങളുമുണ്ട്. എന്നാൽ നമ്മുടെ പോലീസിനു ലഭിച്ചിട്ടുള്ള അഭിമാനംപോലെ മറുരാജ്യങ്ങളിലുള്ള പോലീസിനു ലഭിച്ചിട്ടില്ലാ എന്നുള്ളതു് തർക്കമറ്റസംഗതിയാണ്. ഈ ഭാരതത്തിൽ ഏർപ്പെടുത്തിയിട്ടുള്ള പോലീസിൽ ഒന്നാമത്തെ സ്ഥാനമാണു നമ്മുടെ പോലീസിനു ലഭിച്ചിട്ടുള്ളതു്. അവരുടെ ഉടുപ്പും, കെട്ടും, നടപ്പും നിലയും അത്രയുകർഷണീയമായ വിധത്തിലുള്ളതാണ്. അങ്ങനെഇവിടത്തെ പോലീസിനു ലഭിച്ചിട്ടുള്ള മേന്മയെ മുൻപറഞ്ഞമാതിരിയിലുള്ള അക്രമപ്രവൃത്തികൾചെയ്തു മലിനപ്പെടുത്താതിരിക്കാൻ സൂക്ഷിക്കേണ്ടതു് അത്യാവശ്യമാണ്. ഈ തരത്തിൽ മൂന്നോ നാലോ പ്രവൃത്തികൾകൂടെ ചെയ്യുന്നതായാൽ ഇന്നത്തെ ആ നല്ലപേരു് നശിച്ചു

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പോയേക്കും. ഇവിടത്തെ പോലീസ് യൂണിഫാറം മറെറാരു സ്ഥലത്തും അനുകരിക്കാൻ പാടില്ല എന്നാണ് നിശ്ചയിച്ചിരിക്കുന്നത്. ഈ വക സംഗതികൾകൊണ്ടും മറും സമ്പാദിച്ചു വച്ചിരിക്കുന്ന നല്ല പേരിനെ അക്രമങ്ങൾ മൂലം നശിപ്പിക്കരുതെന്നാണ് എനിക്കു ഗവണ്മെൻറിനെ അറിയിക്കുവാനുള്ളത്. അക്രമപ്രവൃത്തികളെപ്പറ്റി കരിക്കൽ അന്വേഷണം നടത്തി എന്നു പറയുന്നു. അതുപോരാ, ശരിയായ അന്വേഷണം ഒന്നുകൂടി നടത്തണമെന്ന് അപേക്ഷിക്കുന്ന സ്ഥിതിക്ക് ഒരന്വേഷണംകൂടി നടത്തേണ്ടതാണ്. സൌകര്യമുണ്ടെങ്കിൽ എല്ലാഡിപ്പാർട്ടുമെൻറു മേലദ്ധ്യക്ഷന്മാരും ഒരു പ്രാവശ്യം ആ സ്ഥലത്തു നേരിട്ടുപോയി ഇതിനെപ്പറ്റി അന്വേഷിച്ച് മേലാൽ ഈമാതിരിയുള്ള അക്രമങ്ങൾ നടക്കാതിരിക്കുന്നതിനു വേണ്ട ഏർപ്പാടുകൾ ചെയ്യാമെന്നു അവിടത്തെ ജനങ്ങളോടു പറഞ്ഞു അവരെ സമാധാനപ്പെടുത്തിയാൽ അതു അവർക്കു വളരെ സന്തോഷപ്രദമായിത്തീരുന്നതാണ്. പലതരത്തിലുള്ള മീറിങ്ങുകളും മറും കൂടി നിശ്ചയങ്ങൾ പാസാക്കി അയച്ചിട്ടും അതിനെപ്പറ്റി യാതൊരു തീരുമാനവും ഇതുവരെ ഉണ്ടായിട്ടില്ല. അതുകൊണ്ടു ഇതിൻെറ പരമാർത്ഥം എങ്ങനെ എന്ന് അറിയുന്നതിന് ഒരു അന്വേഷണംകൂടി നടത്തണമെന്നു നിശ്ചയിക്കുകയല്ലാതെ ബഹുമാനപ്പെട്ട മെമ്പറന്മാർ തമ്മിൽ വാക്കിനുവാക്ക് ഉത്തരംപറഞ്ഞു തർക്കിച്ച് അതിനെ വ്യാഖ്യാനിച്ചു കൂടുതൽ ഉപദ്രവംഉണ്ടാക്കാതിരിക്കുന്നതിനു പ്രത്യേകം ശ്രദ്ധിക്കേണ്ടതാണ്.

Mr. M. S. Anirudhan : I also rise to support the motion. Sir, it is a very solemn function that the Police in every State have to perform. It is in their power to maintain peace and order. In the case of such a department, the moment there is an allegation that the subordinates have committed excesses and have assaulted honourable and peaceful subjects of His Highness the Maharaja, it is the duty of the department as well as that of the Government to enquire into the matter and see, whether such allegation is true or false. That is all what the resolution demands. The Police must be above suspicion At least to bring out that the allegations made against the Police were false, an enquiry is highly essential.

Sir, it has been suggested that none of the aggrieved persons had lodged any complaint about the alleged assault. In the circumstances of the case it is not at all likely that any individual would come forward with a complaint like that. In such matters affecting a lot of people, individual complaints cannot be expected

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Sir, serious allegations have been made against the Police ; and there has been an adjournment motion on the matter in one of the previous meetings of the Legislature. Something has certainly taken place. It is therefore essential that an impartial enquiry is made into the matter. The Police Commissioner must accept this resolution at least to save the reputation of this department.

Mr. R. Pitchu Aiyangar : Sir, it was on a request made by the Excise Commissioner that the Commissioner of Police took upon himself the responsibility of sending the Reserve force. A case of dacoity was reported by the Excise Officers. The victims were the Excise Officers. The property concerned was smuggled tobacco. The dacoits were the smugglers. It took place on a certain night. The Excise party was composed of nearly a dozen men. They had fire arms. Notwithstanding that, they were overpowered by the smugglers and the seized goods were re-seized by the smugglers by force. The Excise officers complained to the local Police. A few days hence the Excise Commissioner approached the Police Commissioner for help, and said that there was smuggling in that locality going on in a very large scale, that there was great loss of tobacco revenue, and the that local Police were not equal to the task of subduing the smugglers who were very dangerous characters. I immediately telegraphed to the Police Inspector at Muvattupuzha asking whether he was able to effect the arrest of the culprits ; and the answer was in the negative. It was that that made me send the Reserve Police ; because, I was firmly of the opinion that they alone will be able to deal with the dangerous characters, these smugglers. Well, Sir, I have made some careful enquiries in the place. It is the hive of smugglers. Every day there is illicit manufacture of salt and illicit manufacture of intoxicating drinks.

Mr. K. R. Elankath : Is there illicit manufacture of salt ?

Mr. R. Pitchu Aiyangar : Yes, Sir. One man was convicted for the illicit manufacture of salt and was fined Rs. 50.

Mr. K. R. Elankath : Is it illicit manufacture of salt or smuggling ?

Mr. R. Pitchu Aiyangar : Sir, I have already said that there is illicit manufacture of salt.

Mr. P. I. Simon : Is all that the Commissioner is speaking concerned with the resolution before the House ?

Chairman : This is an introduction to the subject.

Mr. R. Pitchu Aiyagar : A few days after, there was a complaint that the Reserve Police were troubling the people. What did the Commissioner do ? He did not depute the D. S. P. or the

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[Mr. R. Pitchu Aiyangar.]

A. S. P. He went there himself because he felt the full responsibility of making a personal investigation in the matter. What did he find? There were a number of allegations and petitions against the Reserve Police. I was surrounded by a number of Vakils and there were about 300 to 400 people around me. Well, my first question to those who were there was whether there were any smugglers amongst them. The answer was that the smugglers had already effected their escape. I asked them,—"Will you please tell me who those smugglers are"? There was no answer. Then I read out certain names of smugglers and asked them whether they were the names of the smugglers. There was no answer. Then I asked them,—"How are you going to help me in the detection of the smugglers and how are you going to co-operate with the Officers"?

Mr. R.V. Thomas: Did the honourable member enquire.—

Mr. R. Pitchu Aiyangar: I do not yield, Sir. Then I wanted to make a regular enquiry. I told them "if you say that the Reserve Police made the assault, I shall ask them all to come here before you and are you prepared to identify the people who you say committed the assault? They asid it was impossible and that it was the duty of the Commissioner to deal with the whole of the Reserve Police. But the whole party consisted not only of the Reserve Police, but of other people as well. Sir, I have been repeatedly saying that there is a strange and an awful mistake and that the whole foundation is shaky and that a superstructure is being sought to be built on such a shaky foundation. This party consisted of four classes of people. There were a handful of Reserve Police, the local Muvattupuzha Police Station men, the Excise people and the informers.

Mr. R. V. Thomas: What is the strength of the Reserve Police?

Chairman: The member has not yielded his place.

Mr. P. I. Simon: On a point of order. Is it right that the official member should not yield when a question is to be put to him?

Chairman: That is a matter of courtesy. If the Police Commissioner wants to yield he can. But he has got the right not to yield.

Mr. R. Pitchu Aiyangar: I yield, Sir.

Mr. R. V. Thomas: Will the honourable member be pleased to state the number of the Reserve Police on duty there?

Mr. R. Pitchu Aiyangar: 25 Police Constables. Though the party consisted of four classes of people the charge is against

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only the Reserve Police. Some of them were in uniform and some in mufti. There is no charge against the other people. Though I said that I would bring down the whole Reserve Police for identification by them, they said they could not identify. If they had told me then and there we are able to identify the men who committed this atrocity, I would have stayed there for a day or two or some days more if necessary and exhausted the enquiry and punished the miscreants. But that is not what actually happened. There were half-a-dozen vakils among the people who were assembled. They were telling me that it was impossible for them to identify the miscreants because some of them were in uniform and some of them were in mufti. Even though they admitted their inability to identify the miscreants, it is said that it is the bounden duty of the Department to punish after finding out the culprits. What happened next was that I entered into the nature of the allegations that were made. But there were gross exaggerations. My men were treated as robber bands engaged in the sack and plunder of defenceless villages. One allegation was highway robbery; another was house-breaking and theft. These were the allegations that were made.

Mr. M. S. Anirudhan : May I know from the honourable member whether the Reserve Police did not do any act of violence?

Mr. R. Pitchu Aiyangar : The honourable member has read through my repeated answers. I say that something really has happened. I do not say that nothing has happened. But it is the duty of the people who make the allegation to prove the allegation. If you say that there should be public safety, should there not be service safety ? When there is evidence wanting, even the worst criminal is allowed to go free. Even though a criminal may be morally liable, when there is no legal evidence, the Judge acquits the accused and the public praise the Judge for that acquittal. Such is the mentality of the lawyers. When such is the case, when there is no evidence forthcoming, when the identity cannot be established and there is so much of exaggeration and the foundation itself is loose, what do you expect me to do ?

Mr. K. M. Korah : May I know from the honourable member whether it could not be one among the Reserve Police who committed the assault ?

Mr. R. Pitchu Aiyangar : Admitting that it must be one of the 25, what is the next thing to be done. One of the 25. But who is that one ? I am prepared to punish that one, but who is that one ? How is he to be known ? Well, Sir, there is no definiteness about the allegations. If two of the 25 are the culprits, who are those two ?

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Mr. R. V. Thomas: May I know whether the Commissioner did not question each of these 25 Reserve Police?

Mr. R. Pitchu Aiyangar: I did not understand the honourable member.

Mr. R. V. Thomas: May I know from the Commissioner whether he made a sort of internal departmental enquiry on the members of the Reserve Police force to find out who the real culprits or culprits were?

Mr. R. Pitchu Aiyangar: Sir, does the honourable member really think that the Commissioner would not have tried his best to ascertain who the culprits were? Does the honourable member really believe that the Policeman is likely to come forward and confess before the Commissioner? Is it the case with all the accused? Is it the case that the lawyers advise the accused to confess? No. But I did my best. The only difficulty is about the identity. I have been repeatedly saying that and I challenged a member to establish the identity. Though five months have elapsed, the identity has not been established. When that is the case, what is a committee going to do? Are they going to establish the identity, when during all these five months there have been no witnesses coming forth to establish the identity? Is not the five months sufficient time for the people to come forward and establish the identity if they can? Where are the witnesses even now? Sir, I was the earliest officer who went to the place soon after information was received. I am the most responsible officer in charge of public safety and the reply that such an officer got from the people to the question whether they were able to identify the culprits was that they were unable. That is the attitude of the people and the way in which they co-operate with the Government. Even yesterday a member stood up and said in reply to a question that it was impossible to identify. If that is the case, what is the use of appointing a committee and what is that committee going to do. Do you think I am not interested in the safety of the people or that I am not interested in equiring into the alleged wrongs done to the people, innocent people as you call them? Whether they were innocent people or actual smugglers is a matter that is in dispute. If the people of the locality were interested in co-operating with the Government in finding out the culprits, why were they silent when I was there on the spot? Why not they go to me and say,—"We can identify the persons, but we are afraid of doing so because then we will be troubled."

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Mr. M. S. Anirudhan: May I know the reason why the people refused to give evidence?

Mr. R. Pitchu Aiyangar: It was because they were unable. They had to prove what had not happened. That was the real trouble. I did not take any Police with me. I was there alone. I was not even in my uniform. I was only in mufti and there was no fear at all for them to approach me and tell me the truth and produce the evidence.

Mr. N. Abdur Rahiman Sahib: How is the evidence adduced generally in such matters by the Police?

Mr. R. Pitchu Aiyangar: The evidence in this case is to be adduced by the people and not by the Police. The party to adduce the evidence is the party who is the victim of the assault. In this case there was the difficulty of getting evidence. The party say.—"We are prepared to charge the Police with any number of offences in the penal code. It is for you to find out the truth and we are not prepared to speak the plain truth. We are not able to identify the culprits. It is for you to find out who the accused are and what really happened." That is the position in which the poor Commissioner was placed. What could he do? That is the position even to-day. Yesterday an honourable member when mentioning the Karunagapalli incident said that the Commissioner was yielding to agitation in punishing his men, and to-day the Commissioner is charged with not taking action against his sub-ordinates. It was stated here that the Police Commissioner was unnecessarily supporting his men in their misbehaviour. After all, this is an incident that happened about 5 months back. This was represented many times in the Press and platforms in this Council and in other places and I wish that this will be the final thing on the matter. All that has been possible has already been done by the Police Commissioner.

Mr. M. S. Anirudhan: In the face of the fact that the Police were unable to get at the culprits, may I know whether the Commissioner objects for appointing a non-official committee to enquire into the matter?

Mr. R. Pitchu Aiyangar: Any number of committees appointed for this purpose will be helpless and useless.

Mr. M. S. Anirudhan: May I know whether the Com missioner supports this resolution or opposes it?

Mr. R. Pitchu Aiyangar: I oppose the resolution.

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Mr. N. V. Chacko: Sir, the honourable member, Mr. Pitchu Aiyangar has been answering me and I feel that his arguments are mere sophistry. He said that if the people were able to identify the Policemen who assaulted them, he could take action in the matter. If the Commissioner removes or changes his turban it may be difficult for me to identify him. Even if he changes his seat in the Council Hall, I may find it difficult to identify him. Then how is it possible for me or others to identify offenders among the strange Reserve Police who were a good many in number and without uniforms. The detection of offenders should not depend entirely on the ability of the complainants to identify them. If the Commissioner admits helplessness to find out the offenders among his own men without the help of the people it is indeed a very pitiable condition. He challenges others to identify the offenders among his men. If the Police were assaulted by the people would the Commissioner have taken up this attitude. Would he have said that no action could be taken since the Police are not able to identify the assailants? Is it not certain that the Police would make somebody responsible for the assault? How much easier should it be for him to examine his own men and get out of them who the culprits among them are? Again, if some people assault others who do not belong to the Police force, the Police are able to find out who are the assailants? But when the offenders are the Police, the Commissioner pleads utter helplessness and throws the duty on the people?

Mr. R. Pitchu Aiyangar: The Excise men were assaulted. They were able to indentify the people. On account of this Policemen had to bring the culprits from the houses of certain honourable members. That is what happened.

Mr. N. V. Chacko: Sir, when the people are assaulted by the Police it has not been possible for the Commissioner to find out evidence to punish his own men. It is the duty of the Commissioner to find out such evidence at least from among his own men. He says that he is not able to take proper action in the matter. That is because the evidence depends entirely on the quality of his men. If his men will not give any evidence that shows the low morality of the Police. I am sory to find that the moral sense of the Police is very much below that of the common people.

Mr. R. Pitchu Aiyangar: It is for the people to produce evidence. If that is forthcoming then the Commissioner can take action.

Mr. N. V. Chacko: Because the criminals happened to be amongst the members of the Police the Commissioner is unable to find out the offenders. I think it is rather due to his unwillingness to get at the truth.

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Then the Commissioner referred to a case of dacoity. It is a big word. I will tell you what might have happened. Some people purchased tobacco in the Cochin State in the night and took it to Travancore territory. Some Excise people found it out and tried to get possession of the tobacco. The smugglers finding that the Excise force was very small tried to escape with the tobacco which they had purchased. A smuggler has no legal right to escape with the smuggled article. But it is only human for people, to try to save their property. Their real fault is that they are smugglers. It was just like the case of thieves trying to escape with the things stolen even when they have to endanger the lives of the owners. I am not justifying the smugglers. The incident has been exaggerated by the Excise men. It may be that the smugglers found that the only way to save their tobacco from the Excise people was by fighting them with throwing stones as one might scare away monkeys. Can the Reserve Police go and assault the people in cold blood and without provocation in broad day light either on the public roads or their houses even if they are smugglers? The Reserve Police never wanted to arrest those whom they assaulted and they did not care to identify them. They were asked after the assault to run away if they could. The ordinary people do not even know that smuggling is taking place. No satisfactory or impartial enquiry has been made as yet. That is why I want an enquiry to be made into it by an impartial committee. The assaults took place in localities near Ramangalam and similar assaults are being repeated in other places also. It is good that the Commissioner has consideration for his men. But he should love justice and the people of Travancore more. He should dispose of complaints against his men in a disinterested and dispassionate manner. He failed to do so. There is no use of jugglery and that is why I pray for an impartial enquiry by a committee appointed for that purpose.

The Commissioner next referred to the illicit manufacture of salt in that locality. He might have as well referred to manufacture of gold there. He asked me point out the real smugglers over and over again. I do not think it is my duty to point out the offenders and I do not know the identity of any of the culprits. I ask the honourable members whether they could point out all or any of the offenders in any particular locality. What is the duty of the Police if they are unable to find out offenders among themselves, but only go on continuously challenging others to find out the culprits among the Police. It is enough if the people do not abet or take part in the offence in any way. It is enough if they are law-abiding. They have to give evidence only when they are called upon to do so. It is not right to expect that the people

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[Mr. N. V. Chacko.]

should detect the smugglers and hand them over to the Police. People cannot be expected to give up their responsibilities and duties to lie in wait for the smugglers in the night. The Commissioner suggests that probably the party of his men and the party of the people met. There is no foundation for that wild guess. There were no parties of the people and none of the victims ever resisted the Police or did anything to provoke them in any way. The assaults were most callous and cold-blooded. The Commissioner compalins that the smugglers were not handed over by the people. It is very bad on his part to make such wild allegations. He is very prudent with regard to his men. Is there anybody in those parts who has got control or custody of any of the smugglers. If the Commissioner knows that anybody is in a position to hand over smugglers, he must have been able to extract all those smugglers from where they are hidden. We ask him to give out the culprits among his men. Has he done so till now? There is no meaning in his sheltering the offenders among his men and making groundless and wild allegations against the subjects of His Highness the Maharaja.

The Commissioner alleges that it is a mistake to refer to the assailants as the Reserve Police and that the party consisted of several denominations of subordinates under him and the Excise Department. People call the assailants as "Idivandi" (ഇടിവണ്ടി). The Commissioner cannot take shelter under such technical grounds.

The Commissioner seems to have an irrepressible contempt for the lawyers as a class. He has been repeatedly referring to them in contempt. It is perhaps better that I do not say more on it. The Commissioner admits that the offenders among his men will not speak the truth. That they cannot be expected to speak the truth. He consoles himself by saying that all accused and lawyers would not be speaking the truth. It is too sweeping a statement to be true.

The Commissioner finds fault with exaggerations in the complaints. He might as well find fault with minimisations also in complaints. It is not possible to draw up complaints without omitting anything or exaggerating in the least. But that is no reason to throw out complaints. The Commissioner and others stressed that five months have elapsed and yet nobody has been able to identify the offending members of the Police. That is mere sophistry. Were the people told that they are given five months' time to find out men among the Reserve Police who committed the atrocities? Did the people ask for time for that purpose? Was any second of these five months spent by anybody in an attempt to

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identify the offenders? Was not the Commissioner told that he must make his duty to find out the assailants and that the honest people who were assaulted could not identify the strange Police without uniforms? What attempt did the Commissioner make to identify the offenders? Is it not for the purpose of finding out the offenders that an enquiry is now prayed for? The Police will say that in spite of the complaints to the Commissioner of Police, to the District Magistrate, to the Dewan, etc., and in spite of the ventilations of their grievances in the Press, in Public meetings and in the Legislatures, nothing could come out of them. The Police would grow more reckless and assault people more wantonly hereafter taking that the silence of the responsible authorities means a sanction and a license to them to go on as they please and to repeat their atrocities in a more challenging fashion. The grievances of the people are not redressed and their complaints are not heard. The people wonder if they are given up by the Government, and God alone is left for them.

I am thankful to Mr. Kottur Kunjukrishna Pillai for his sympathetic words and I shall tell the people of my constituency of those kind expressions. However, I will ask them not to follow his example but to support him in all ways, whenever he may have occasion to complain against the atrocities of the Police. They will certainly be ready to express their sympathy not in words only, but in action also.

Mr. Balakrishnan Tampi referred in a very interesting manner to the frontier respectabilities. I do not know whether he did so in praise or in condemnation. Whether it is an insinuation or not does not concern me. He seems to make the members responsible for all the crimes and offences of their constituency. He asks me to improve the smugglers of the frontier parts and to find out smuggling. I do not think that it is my duty to do all that. Studying the literature concerned with the Council matters and attending the Council are sufficient work for me as a member. I cannot go about preventing and detecting crimes. I want to know if Mr. Balakrishnan Tampi will hold himself responsible for all the crimes of his constituency like murder, bribery, bigamy, etc. It is the duty of the Police to find out and prevent crimes. If the Department is abolished and if all the honourable members are willing to undertake the duties of the Police Department, then I too will share my responsibility which will be only one by thirty-seven of the whole. It is the duty of the Excise to prevent and detect smuggling. There is no meaning in the cry of the Excise Department and the Police Commissioner that the people of a locality are responsible for preventing and detecting smuggling. Agricultural population of the State have to be working incessantly in their fields and gardens.

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[Mr. N. V. Chacko]

Mr. T. Mahomed Ismail imagined that the people might have terrified the Reserve Police and referred to them as the wild and unruly people of the Northern frontier of British India. But the people of Aikkaranad and surrounding places are very loyal and law abiding.

Chairman: You have only one minute more.

Mr. N. V. Chacko: That is quite sufficient for me. The people of these places are agriculturists and are among the nicest people in the world. I may add that I am not sorry that I did not influence the aggrieved to put in complaints in Courts. Somebody challenged me that nobody is coming forward to give evidence. At least 70 people are ready to march to Trivandrum to give evidence. But who is there to take evidence and where? If you call all the people smugglers, as I said already, it would amount to admitting that ours is a Government of smugglers. I press the resolution for a division. Let us see how honourable members respond to the request of the people.

Mr. Kottur Kunjukrishna Pillai: I rise to a point of order, Sir. Is such a threat allowed? The honourable member says "Let us see how the members respond". Is that allowable?

Chairman: It is not relevant, that is all. The resolution was put to vote and lost.

Mr. R. V. Thomas: I demand a poll.

A poll was taken with the following result:

AYES 9.

1 Mr. Abdul Tayeb Sheik Kadir Bhoy.	5 Mr. N. V. Chacko
2 „ M. S. Anirudhan	6 „ R. V. Thomas
3 „ N. Abdur Rahiman Sahib	7 „ P. I. Simon
4 „ K. M. Korah	8 „ T. K. Kittan
	9 „ K. K. Kuruvilla

NOES 25

1 Mr. Kottur Kunjukrishna Pillai	10 Mr. V. S. Arumukham Pillai
2 „ James Fletcher	11 Mrs. Abernam Gnanasikhamony
3 „ K. R. Elankath	12 Mr. C. N. Thuppan Nampudiri
4 „ P. R. Godavarma Raja	13 „ Kallur Narayana Pillai
5 „ Nedumangad R. Kesavan Nair	14 „ T. Mahomed Ismail
6 „ Padiyara Joseph Kunju	15 „ Haji Hassan Yacob Sait
7 „ A. Easwara Pillai	16 „ K. George
8 „ Kochikal P. Balakrishnan Tampi	17 „ Rao Bahadur A. Rengasvami Aiyar
9 „ M. K. Ananthasiva Aiyar	

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18 „ K. R. Narayana Aiyar
19 „ M. Govinda Pillai
20 Rao Bahadur Rajyaseva-nirata Dr. N. Kunjan Pillai
21 Mr. G. B. E. Truscott
22 „ P. Parameswaran Pillai
23 „ R. Pitchu Aiyangar
24 „ C. Kumara Das
25 „ Kayalam Parameswaran Pillai

NEUTRAL 1.

Mr. Eric Hall

The resolution was declared lost, 9 voting for the resolution, 25 against and one remaining neutral.

REDUCTION OF TAX ON WET LANDS IN NANJINAD.

Mr. V. S. Arumukham Pillai: Sir, I beg to move the following resolution :

> "This Council recommends to the Government that, on account of the peculiar conditions prevailing in Nanjinad, tax on all wet lands, inclusive of water-rats, be reduced by fifty per cent till the next re-settlement is effected.

Believe me, Sir, when I say that there is widespread discontent among the agricultural population in Nanjinad.

(At this stage the President took the Chair.)

The people are not after securing adequate representation in the Legislature or an adequate share of the loaves and fishes of office. Their discontent is that the Government are not taking stock of their actual miserable condition but go on realising tax without any regard whatever to their miserable condition of the people and their utter inability to pay same. I may boldly assert that neither the Government nor the public outside are really aware of the actual condition of the people of Nanjinad. There is even misunderstanding and misconception of the actual situation. The misunderstanding is due to the fact that the people are not vociferous. To those who are prone to agitate for loaves and fishes of office and for such other small matters it will be really surprising if they are told that the vital and the real problem in Nanjinad is one of life and death struggle.

The agriculturists of Nanjinad were contended so long as they were able to get a bare maintenance from the land. But owing to the fall in the price of paddy and other causes, they are not able to eke out a bare existence from the land. They have now begun to feel the pinch of poverty and burdensome taxation.

Sir, I have several times dwelt upon the burdensome taxation. The maximum tax is Rs. 35 which is unknown to the civilised world. It will be shocking to the outsiders to hear that such a high rate of tax exist in Nanjinad.

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